IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.MC.No. 1247 of 2007()

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(CRIME NO.21/2007 OF EXCISE RANGE OFFICE, SULTHABATHERY, WYNAD)

PETITIONER:

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1. SUNIL T.C., S/O.CHANDRAN,
THYKANDIYIL HOUSE,CHULLIYODU P.O.,
NENMENI VILLAGE,SULTHAN BATHERI TALUK,
WAYNAD DISRICT.

2. P.J.SUNNY, S/O.P.J.JOSE,
PULLATTUZHAKAYIL HOUSE,CHULLIYODU P.O.,
NENMENI VILLAGE,SULTHAN BATHERI TALUK,
WAYNAD DISRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

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STATE OF KERALA REPRESENTED BY EXCISE
INSPECTOR, EXCISE RANGE OFFICE, NEULTHAN BATHERI,
WAYNAD DISTRICT BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**Crl.M.C.No.1247 Of 2007**

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Dated this the 20th day of June, 2007

**ORDER**

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni** [2007(1) KLT 151 (S.C) ], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.21/2007 of Excise Range Office, Sulthan Batheri, Wynad against the petitioners are hereby quashed.

**(R.BASANT, JUDGE)**

sj